Canadian Artists and Producers Professional Relations Tribunal

2008-2009
Estimates

Part III - Report on Plans and Priorities

Canadian Artists and Producers Professional Relations Tribunal

2008-2009

Estimates

Report on Plans and Priorities

Approved:

The Honourable Jean-Pierre Blackburn
Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec

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SECTION I-OVERVIEW

Message from the Chairperson

I am pleased to present the 2008-2009 *Report on Plans and Priorities* for the Canadian Artists and Producers Professional Relations Tribunal ("CAPPRT" or "the Tribunal"). This report outlines the Tribunal's intended direction for the next three years.

The Tribunal is firmly committed to the development and maintenance of constructive professional relations between artists and producers, and to the economic and social well-being of its client community. As one of more than twenty federal organizations supporting a vibrant Canadian culture, the Tribunal is an important part of a complex whole, making a critical contribution to long-term progress for the cultural sector.

The Tribunal's principal responsibility is to adjudicate matters brought before it under the *Status of the Artist Act*. The Tribunal will continue to provide fair and timely resolution of these matters, and continue to develop a solid body of precedents and case law that can be used to help resolve future cases.

In addition, the Tribunal plays an informative role, promoting increased collaboration between artists, artists associations and producers, increasing their understanding of their rights and obligations under the *Act*, and supporting the collective bargaining process by providing impartial, timely information. In this respect, we will continue to emphasize the value of mediation to help parties reach scale agreements, manage their relationships under scale agreements, and resolve complaints without the need for formal hearings.

Ultimately, the work of the Tribunal contributes to harmonious professional relations in the cultural sector, which in turn contributes to better conditions of engagement for artists and a more stable, predictable workforce for producers.

In 2008-2009, the Tribunal will continue to focus its efforts on informing artists and producers about the *Status of the Artist Act*, in order to permit them to fully exercise their rights and fulfil their responsibilities under the *Act*. We will maintain close contact and open communication with our clients, stakeholders and partners to ensure the relevance of our services and activities.

The Tribunal will continue to assist the parties in the negotiation process under the *Status of the Artist Act*, ensuring that they have ready access to information and mediation assistance when they need it. It will provide a high quality of service in dealing with adjudicative matters within its statutory responsibilities. These include complaints of unfair labour practices and other matters brought forward by artists, artists' associations, producers, and labour arbitrators, determination of sectors of cultural activity suitable for collective bargaining, and certification of artists' associations to represent self-employed artists working in these sectors.

Integrity, timeliness, confidentiality and impartiality are among the values that guide the ongoing activities of the Tribunal. The Tribunal members and staff will make every effort in the year ahead to promote harmonious professional relations in the cultural sector. I look forward to leading the Tribunal in this endeavour.

Management Representation Statement

I submit for tabling in Parliament, the 2008-2009 Report on Plans and Priorities (RPP) for the Canadian Artists and Producers Professional Relations Tribunal.

This document has been prepared based on the reporting principles contained in the *Guide to the Preparation of Part III of the 2008-09 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the Treasury Board of Canada Secretariat guidance;
- It is based on the department's strategic outcome and program activity architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board of Canada Secretariat.

Peter Annis
Chairperson and Chief Executive Officer
February 1, 2008

Raison d'être

Parliament created the Canadian Artists and Producers Professional Relations Tribunal to administer Part II of the *Status of the Artist Act*, which sets out a structure for professional relations between self-employed artists and producers in federal jurisdiction. The Tribunal defines sectors of artistic activity for collective bargaining, certifies artists' associations to represent self-employed artists working in those sectors, and deals with complaints of unfair labour practices from artists, artists' associations and producers.

Organizational Information

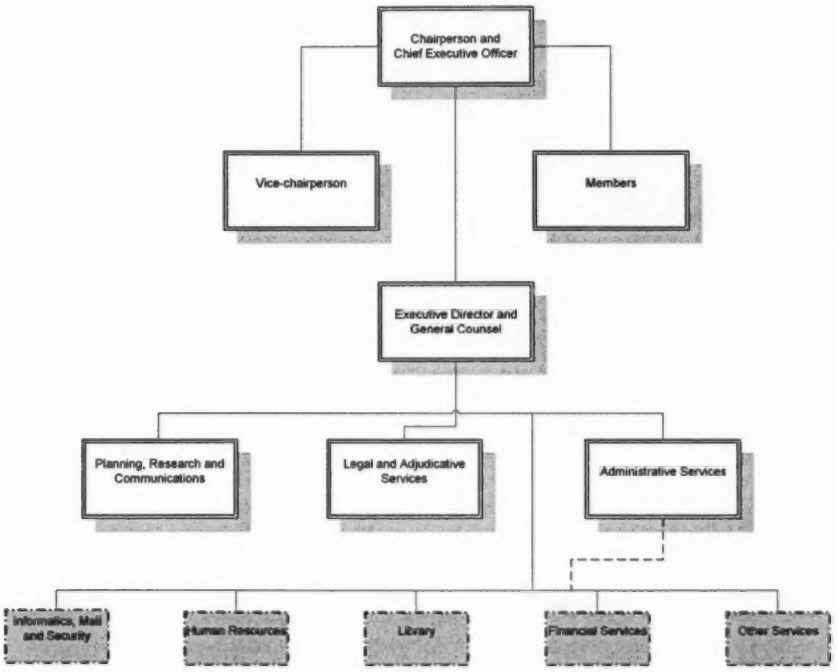
The Tribunal reports to Parliament through the Minister of Labour.

The Tribunal is normally composed of a Chairperson, a Vice-chairperson, and two to four other full-time or part-time members. It is currently composed of a Chairperson, a Vice-chairperson, and two other members. Members are appointed by the Governor in Council. All four current members are part-time appointees.

The Tribunal has a straightforward organizational structure and carries out its mandate with a minimum of staff. The part-time Chairperson is the chief executive officer of the Tribunal, while the Executive Director and General Counsel, who reports to the Chairperson, is responsible for the daily management of staff and operations. Eight staff members, at present, carry out the functions of legal counsel, registrar, planning, research, communications, and administrative services. Staff members are multi-skilled and take on a wide variety of tasks as required. The Tribunal outsources some corporate services that are not required on a full time basis. For example, it contracts with Canadian Heritage for human resources services, and with Industry Canada for informatics, security, and mail services. It has arrangements with the other two federal labour boards to use their hearing rooms and library services.

Figure 2 illustrates the Tribunal's organizational structure.

Figure 2. Organization Chart



■ Services provided on contract or by other arrangements

Program Activity Architecture (PAA) Crosswalk

The Tribunal's single strategic outcome is that the rights of artists and producers under Part II of the *Status of the Artist Act* are protected and respected. In its single program activity, the Certification, Complaints and Determination Program, the Tribunal deals with applications and complaints from artists, artists' associations or producers.

The Tribunal's strategic outcome was previously expressed as "constructive professional relations between artists and producers in CAPPRT's jurisdiction." While this is an objective of the *Status of the Artist Act*, its accomplishment is not within the control of the Tribunal. Accordingly, the strategic outcome and program activites were redefined in May, 2007, in consultation with the Treasury Board Secretariat. The new statement of strategic outcome reflects, more appropriately, what the Tribunal can accomplish through its own efforts.

Program activities were previously divided between processing of cases and corporate services. The change to a single program activity, the Certification, Complaints and Determination Program, reflects the inseparability of the Tribunal's corporate, research and communications activities from the specific and unique role that the Tribunal is assigned under the *Act*.

2008-09	
($ millions)	**New Program Activity: Certification, Complaints and Determination Program**
Old Program Activity 1: Processing of cases $1.2	**$1.9**
Old Program Activity 2: Corporate services $0.7	

Voted and Statutory Items displayed in the Main Estimates

Vote or Statutory Item	Truncated Vote or Statutory Wording	2008-09 Main Estimates ($ millions)	2007-08 Main Estimates ($ millions)
20	Program expenditures	**1.806**	1.770
(S)	Contributions to employee benefit plans	**0.167**	0.170
	Total Agency	**1.973**	1.940

Departmental Planned Spending Table and Full-Time Equivalents

($ millions)	Forecast Spending 2007-08 ($ millions)	Planned Spending 2008-09 ($ millions)	Planned Spending 2009-10 ($ millions)	Planned Spending 2010-11 ($ millions)
Certification, Determination and Complaints Program	1.940	1.973	1.973	1.973
Budgetary Main Estimates (gross)				
Non-budgetary Main Estimates (gross)				
Less: Respendable revenue				
Total Main Estimates	1.940	1.973	1.973	1.973
Adjustments				
Procurement Savings				
Certification, Determination and Complaints Program				
Supplementary Estimates				
Budget Announcement				
Other – lapse in operating expenditures	-0.550			
Treasury Board Vote 15				
Employee Benefit Plan (EBP)	-0.045			
Total Adjustments	-0.595			
Total Planned Spending	1.345	1.973	1.973	1.973
Less: Non-respendable revenue				
Plus: Cost of services received without charge	0.401	.401	.401	.401
Total Departmental Spending	1.746	2.374	2.374	2.374
Full-time Equivalents	10	10	10	10

The Tribunal's spending is expected to stay relatively stable, as its plans and priorities are stable over the next three years and involve no major new initiatives. This reflects the strict quasi-judicial adjudicative mandate of the Tribunal, as set out in the *Status of the Artist Act*.

Summary Information

Financial Resources ($ millions)

2008-2009	2009-2010	2010-2011
1.9	1.9	1.9

Human Resources (full-time equivalents)

2008-2009	2009-2010	2010-2011
10	10	10

Tribunal Priorities

Name	Type
1. Deal with matters brought before Tribunal with high quality service	Ongoing
2. Fully inform and assist clients	Ongoing
3. Improve management practices	Ongoing

Program Activities by Strategic Outcome

	Expected Results	Planned Spending ($ millions)			Contributes to the following priority
		2008-2009	2009-2010	2010-2011	
Strategic Outcome: the rights of artists and producers under Part II of the *Status of the Artist Act* are protected and respected					
Program activity: 1. Certification, Complaints and Determination Program	High quality service, with clients fully informed and assisted	1.9	1.9	1.9	Priorities 1 & 2

Departmental Plans and Priorities

The Tribunal's single strategic outcome is served by its single program activity, the Certification, Complaints and Determination Program. This program deals with applications for certification, review, determination, consent to prosecute, and revocation of certification, and with complaints of unfair practices, brought forward by artists, artists' associations or producers under Part II of the *Status of the Artist Act*.

As part of this program and in support of its adjudicative function, the Tribunal will continue to focus efforts on informing artists and producers about the *Status of the Artist Act*, in order to permit them to fully exercise their rights and fulfil their responsibilities under the *Act*.

The Tribunal will assist the parties in the bargaining process under the *Status of the Artist Act*, ensuring that they are fully informed and can take advantage of all the elements of the collective bargaining structure set up under the Act. The Tribunal will provide ready access to information and mediation assistance when parties need it. It will provide a high quality of service in dealing with adjudicative matters within its statutory responsibilities, including complaints of unfair labour practices and other matters brought forward by artists, artists' associations, producers, and labour arbitrators, determination of sectors of cultural activity suitable for collective bargaining, and certification of artists' associations to represent self-employed artists working in these sectors.

The Tribunal will continue to improve its management practices, focusing on implementing the *Public Service Modernization Act* and the various initiatives of Treasury Board and other central agencies.

By encouraging and facilitating constructive professional relations between artists and producers, the Tribunal's work contributes to a vibrant Canadian culture and heritage.

SECTION II-ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome: The rights of artists and producers under Part II of the *Status of the Artist Act* are protected and respected

Financial Resources ($ millions)

2008-2009	2009-2010	2010-2011
1.9	1.9	1.9

Human Resources (full-time equivalents)

2008-2009	2009-2010	2010-2011
10	10	1.9

Program supporting this strategic outcome: Certification, Complaints and Determination Program

This program has two expected results associated with it: fair and timely resolution of cases under the *Status of the Artist Act*, and the availability to clients of timely information about the *Act* and their rights and responsibilities under it, and about Tribunal decisions and activities.

Performance Measurement Strategy

The Tribunal has several performance measures or indicators that assist it in monitoring whether these results are being achieved.

Objective 1: Fair and timely resolution of cases

The Tribunal's principal objective is to carry out its statutory mandate of hearing and resolving cases fairly and in a timely manner.

Fairness and timeliness are interrelated, since justice delayed is justice denied, but they are distinct and require different performance indicators and measurements.

For timeliness, we use two indicators: the time required to issue reasons for a decision after a hearing, and the total time required to process a case, from the date an application is received until the date of the decision. Targets for these indicators are shown in the table below. Performance information is collected yearly but is normally displayed and analyzed over multiple years, in order to identify trends.

The Tribunal uses the term "fairness" broadly, to encompass all its responsibilities as a quasi-judicial tribunal, such as impartiality, accessibility, integrity, and confidentiality.

We use as an indicator of fairness the percentage of Tribunal decisions upheld on judicial review. The Federal Court may review a Tribunal decision in the following circumstances:

- if the Tribunal acted without jurisdiction or beyond its jurisdiction or refused to exercise its jurisdiction;
- if it failed to observe a principle of natural justice, procedural fairness or other procedure that it was required by law to observe; or
- if it acted, or failed to act, by reason of fraud or perjured evidence.

The indicator is not perfect, because parties may be dissatisfied with Tribunal decisions but not seek judicial review, for any number of reasons, including lack of resources. Nonetheless, the Federal Court acts as the arbiter of fairness of federal quasi-judicial tribunals, so this is an important indicator. We have set as a target that more than 75 percent of our cases are upheld on judicial review. As with timeliness, we collect this information yearly but analyze it over longer periods.

Client satisfaction is not necessarily a good indicator of fairness – parties may be dissatisfied with Tribunal decisions that are fair but do not go their way – and measuring it in any systematic way through client surveys is impractical and would be a burden on the clients. Nonetheless, in our informal contacts with the client community of artists, artists' associations, and producers we pay close attention to how they view the Tribunal and the fairness of its processes.

Objective: Fair and timely resolution of cases	
Indicator	***Target***
Average time to issue reasons for a decision after the hearing in all cases	Maximum of 60 calendar days
Average time to process all cases (from the date of receipt of the completed application to the date of the decision)	Maximum of 200 calendar days
Percentage of Tribunal decisions upheld under judicial review	More than 75 percent

An important outcome of fair Tribunal decisions is the development of a solid body of precedents. These can be used to help resolve future cases.

Objective 2: Availability to clients of information about the *Act* and the Tribunal

The Tribunal's second objective is to fully inform and assist the artists, artists' associations, and producers that make up its clientele.

One way that the Tribunal does this is through timely responses to inquiries. The Tribunal receives a wide variety of questions from clients, dealing with subjects like jurisdiction, specifics of the various cultural industries, and how to use the *Act*. Tribunal

staff members respond to these questions quickly and thoroughly, always inviting further comment or question. Most inquiries are responded to within 2 working days.

With respect to more general information needs about the *Act* and the Tribunal's services and activities, the Tribunal has traditionally used information bulletins, regularly-updated information on its Web site, and information sessions for clients. Follow-up with clients has shown that these are well received and considered useful. The Tribunal now intends to emphasize more tailored and customized information. Its various clients have different, often quite specific, needs for information. More focused, personalized information and small group or individual meetings are likely to be a more effective way of addressing clients' needs.

The Tribunal will therefore emphasize these more direct approaches to clients, including participation in industry conferences that bring clients together. Tribunal staff will continue to meet informally in 2008-2009 with a cross-section of clients from the artists' and producers' communities, to identify and meet their information needs. It will issue information bulletins on an as-required basis, to report important developments at the Tribunal or with the *Act*. It will also continue revising its website to make it more helpful and accessible. This will include making the necessary revisions to the website to bring it into full compliance with the government's Common Look and Feel standards.

The indicators and targets for measuring the Tribunal's attainment of this objective are set out below.

Objective: Availability to clients of information	
Indicator	***Target***
Quality and timeliness of information	Bulletins issued within 60 days of major developments (e.g., Tribunal decisions). Responses to inquiries within two working days. Responses thorough and correct. Clients are satisfied (as determined by client consultations).
Quality of the Tribunal's Web site	The Web site contains timely, accurate and helpful information, explains clearly how to do business with the Tribunal, and meets Government On-Line standards. Clients are satisfied (as determined by client consultations).
Direct contacts with clients	Meetings are held with at least four artists' associations and four producers or producers' associations. Clients are satisfied, as determined in consultation.

Objective 3: Improve management practices

The Tribunal is committed to continuous improvement of its management practices. The Tribunal will continue to work in partnership with three other small quasi-judicial agencies, the Copyright Board, the Registry of the Competition Tribunal, and the Transportation Appeal Tribunal, on implementing government-wide initiatives and continuing work on those initiatives already implemented. The focus of this cluster group for 2008-2009 will continue to be on the implementation of the *Public Service Modernization Act*, and on preparation for the Management Accountability Framework Assessment.

The Tribunal also works with other networks such as the Small Agency Transition Support Team for expertise related to human resources issues (such as the Policy on Learning, Training and Development), and is an active participant in the Micro and Small Agency Labour Management Consultation Committee to ensure adherence to the *Public Service Labour Relations Act*.

The Tribunal will continue to work with and update its Human Resources Plan. It uses this plan to forecast its staffing needs, deal strategically with staffing, retention and succession issues, and mobilize and sustain the energies and talents of its members and employees, enabling them to contribute to the achievement of organizational goals.

The Tribunal has internal policies to promote excellence in performance, accountability, and workplace well-being. To ensure that these policies remain current and relevant, the Tribunal will further refine its policy review and renewal cycle. Included in this will be continued study and development of evaluation strategies and performance measurement tools.

Objective: Improved management practices	
Indicator	***Target***
Management Accountability Framework	Required elements of MAF are in place
Human Resources Plan	Plan updated twice per year
Internal Policies Suite	Policies updated as needed and in line with government's objectives and Treasury Board policies

SECTION III-SUPPLEMENTARY INFORMATION

Table 1: Tribunal links to the Government of Canada Outcomes

Strategic Outcome: The rights of artists and producers under Part II of the *Status of the Artist Act* are respected					
	Expected Results	Planned Spending ($ millions)			Alignment to Government of Canada Outcome Area
		2008-09	2009-10	2010-11	
Program Activity: Certification, Complaints and Determination	High quality service, with clients fully informed and assisted	1.9	1.9	1.9	Contributes to a vibrant Canadian culture and heritage

Other tables

The following tables have been submitted electronically to the Treasury Board Secretariat for posting on its website: http://publiservice.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp

Table 6: Green Procurement
Table 11: Revolving Funds
Table 12: Services Received Without Charge

SECTION IV-OTHER ITEMS OF INTEREST

Contact Information

Canadian Artists and Producers Professional Relations Tribunal
240 Sparks Street, 1st Floor West
Ottawa, Ontario K1A 1A1

Telephone: (613) 996-4052 or 1 800 263-2787
Facsimile: (613) 947-4125
Email: info@capprt-tcrpap.gc.ca
Website: www.capprt-tcrpap.gc.ca

Statute and Regulations

Status of the Artist Act	S.C. 1992, c.33, as amended
Status of the Artist Act Professional Category Regulations	SOR 99/191
Canadian Artists and Producers Professional Relations Tribunal Procedural Regulations	SOR/2003-343

Statutory Responsibilities

The *Status of the Artist Act* requires or permits the Tribunal to undertake the following activities:

1. pass by-laws governing the conduct of its affairs [subs.11(2)];
2. hold meetings or proceedings of the Tribunal at such times and locations in Canada as it considers desirable [subs.13(2)];
3. make regulations of general application which it considers conducive to the performance of its duties [s.16];
4. make interim orders [subs.20(2)];
5. rescind or amend determinations or orders and rehear applications [subs.20(1)];
6. file a copy of its order or determination in the Federal Court for purposes of enforcement [s.22];
7. review by-laws of artists' associations [s.23];
8. receive copies of membership lists filed by associations of producers [s.24];
9. receive applications for certification from artists' associations pursuant to s.25 and provide public notice of the application;
10. determine the appropriateness of sectors for collective bargaining [s.26];
11. determine whether an artists' association is representative of the sector for which it seeks certification [s.27];
12. certify artists' associations to represent specific sectors [s.28];
13. maintain a register of all certificates issued [subs.28(4)];
14. receive, consider and decide applications for revocation of certification [s.29];

15. determine the rights, duties and privileges acquired by an artists' association following a merger, amalgamation or transfer of jurisdiction [s.30];
16. determine whether contractual conditions are "more favourable" to an artist than those contained in a scale agreement [subs.33(5)];
17. change the termination date of a scale agreement when so requested by the parties [s.34];
18. hear and determine questions referred to it by an arbitrator or arbitration board [s.41];
19. hear and decide on applications for a declaration that the use of pressure tactics is unlawful and prescribe appropriate remedies [ss.47,48,49];
20. hear and decide applications alleging unfair labour practices and prescribe appropriate remedies [ss.53,54];
21. issue consent to prosecute [s.59];
22. establish other offices which it considers necessary [subs.13(1)];
23. prepare and submit an annual report to Parliament through the Minister of Labour regarding activities during the fiscal year [s.61].